

**PUBLIC VERSION, filed July 5, 2005**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VERSUS TECHNOLOGY, INC.,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 04-1231 (SLR)
	)	
RADIANCE, INC.	)	<b>CONFIDENTIAL</b>
	)	<b>FILED UNDER SEAL</b>
Defendant.	)	

**RADIANCE'S CONSOLIDATED MOTION TO DISMISS**  
**FOR LACK OF STANDING**

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Dated: June 24, 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VERSUS TECHNOLOGY, INC.,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 04-1231 (SLR)
	)	
RADIANCE, INC.	)	<b>CONFIDENTIAL</b>
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Defendant.	)	

**RADIANCE’S CONSOLIDATED MOTION TO DISMISS**  
**FOR LACK OF STANDING**

Pursuant to Fed. R. Civ. P. 12(b)(1), of the Federal Rules of Civil Procedure, Radianse, Inc. (“Radianse”) moves to dismiss the claims of Versus Technology, Inc. (“Versus”) for infringement of two patents licensed to Versus, United States Patents Nos. 5,572,195 (the “ ‘195 patent”) and RE36,791 (the “ ‘791 patent”).

The grounds for this Motion are as follows:

1. Versus claims to be the exclusive licensee of the ‘195 and ‘791 patents. The owner of those patents, Freshloc Technologies, Inc., is not a party to this action, and has never asserted a claim against Radianse for infringement of the patents.
  
2. Versus lacks standing to sue Radianse for infringement of the ‘195 and ‘791 patents without joining the patent owner, Freshloc, because Radianse does not possess all substantial rights to those patents. Versus’ “exclusive license” from Freshloc is expressly limited to a ten year period. Thereafter, on January 31, 2007, the “exclusive” Versus license expires automatically and irrevocably, years before the end of the terms of the licensed patents. Not only does Freshloc presently continue to hold rights in the patents outside the limited field licensed to

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Versus, but Freshloc will also recover rights within the field exclusively licensed to Versus upon the expiration of Versus' ten year term.

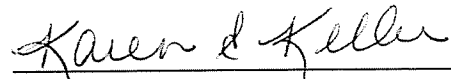
3. Versus does not have standing to sue Radianse, because Radianse's accused indoor positioning system is outside the area of exclusivity stated in Versus' license.

The grounds for this Motion are further set forth in the Radianse's Opening Brief and in the Affidavits of Paul Tessier and Michael Dempsey attached thereto.

Respectfully submitted,

RADIANCE, INC.

By its attorneys,



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RADIANCE, INC.	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of Defendant's Consolidated Motion to Dismiss for Lack of Standing, that the Motion is GRANTED, and this action is DISMISSED.

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United States District Judge

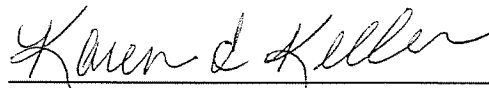
**CERTIFICATE OF SERVICE**

I, Karen E. Keller, Esquire, hereby certify that on June 24, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on June 24, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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